UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,259	09/29/2003	Bradford L. Farris	79439	2625

22242 7590 02/15/2007

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER	
ALMEIDA, DEVIN E	
ART UNIT	**PAPER NUMBER**
2132	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/674,259	FARRIS ET AL.	
	Examiner	Art Unit	
	Devin Almeida	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) *1-16* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the papers filed 1/18/2007. Claims 1-18 were received for consideration. Preliminary amendments for the claims was filed 9/29/2003. Currently claims 1-16 are cancelled and 17 and 18 are under consideration.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakahara (U.S. Patent # 5,594,429) in view of Gullman et al (U.S. Patent # 5,280,527). Nakahara teaches 17 a transmitter for sending an encrypted signal to control an actuator, comprising: a radio frequency generator for generating a radio frequency signal (see Nakahara column 4 lines 15-18); a rolling code generator for generating a rolling code (see Nakahara figure 2 and column 3 lines 8-14 and column 4 lines 43-45); a fixed code generator for generating a fixed code (see Nakahara figure 2 and column 3 lines 8-14 and column 4 lines 43-45); and a modulator for modulating the radio frequency signal with the rolling code and the encrypted fixed code to produce an encrypted radio frequency signal for operation or control of a secure actuator (see Nakahara column 6 lines 8-24). Nakahara does not teach an encryptor for generating an encrypted fixed code in response to the rolling code and the fixed code. Gullman

teaches an encryptor for generating an encrypted fixed code in response to the rolling code and the fixed code (see Gullman column 1 lines 30-36 and column 3 lines 39-43). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have encrypted fixed code as taught in Gullman with rolling and fixed code disclosed in Nakahara. This provides for a very difficult descrambling operation to a potential thief or intruder, as the intruders would not know which of the bits in the code word are fixed and which are varied. Thus, a potential thief is unable to predict or decipher the word and therefore unable to send the system the correct word to disarm it. Therefore one would have been motivated to have included an encryptor for generating an encrypted fixed code in response to the rolling code and the fixed code.

With respect to claim 18, a receiver for receiving an encrypted radio frequency signal from a transmitter and for generating an actuation signal, comprising: a receiver for receiving an encrypted radio frequency signal (see Nakahara column 2 line 1-9 and 37-41); a demodulator for demodulating the encrypted radio frequency signal into a demodulated encrypted signal (see Nakahara column 6 lines 11-13); a signal separator for separating the demodulated encrypted signal into a rolling code signal and an encrypted fixed code signal (see Nakahara column 2 lines 37-63 and column 6 lines 8-24). Nakahara does not teach a decryptor for decrypting the encrypted fixed code signal into a decrypted fixed code signal. Gullman teaches a decryptor for decrypting the encrypted fixed code signal into a decrypted fixed code signal (see Gullman column 1 lines 30-36 and column 3 lines 39-43). It would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains to have encrypted fixed code as taught in Gullman with rolling and fixed code disclosed in Nakahara. This provides for a very difficult descrambling operation to a potential thief or intruder, as the intruders would not know which of the bits in the code word are fixed and which are varied. Thus, a potential thief is unable to predict or decipher the word and therefore unable to send the system the correct word to disarm it. Therefore one would have been motivated to have included an encryptor for generating an encrypted fixed code in response to the rolling code and the fixed code.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Almeida whose telephone number is 571-270-1018. The examiner can normally be reached on Monday-Thursday from 7:30 A.M. to 5:00 P.M. The examiner can also be reached on alternate Fridays from 7:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DA

Devin Almeida
Patent Examiner
2/8/2007

Benjamin E. Lanier
Examiner AU 2132